

NOTICE OF PROPOSED RULEMAKING
MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
P-27 VEHICLE PARKING AND USE ON UNSTABILIZED VACANT LOTS

PREAMBLE

- 1. Sections Affected** **Action**

P-27 Vehicle Parking And Use On Unstabilized Vacant Lots	New
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- 2. Statutory authority for the rulemaking:**

Authorizing statute: Arizona Revised Statutes, Title 49, Chapter 3, Article 3 – County Air Pollution Control (ARS §49-474.01(A) (7))

Implementing Statute: Arizona Revised Statutes, Title 9, Chapter 4, Article 8- Air Quality Control, (ARS §9-500.04(A)(8))
- 3. List of all previous notices appearing in the register addressing the proposed rule:**

Notice of Rulemaking Docket Opening: Volume #13, AAR Issue 30, Page #3375, October 5, 2007.
- 4. Name and address of department personnel with whom persons may communicate regarding the ordinance:**

Name: Kathleen Sommer or Jo Crumbaker

Address: 1001 North Central Avenue, Suite 595, Phoenix, AZ 85004

Telephone: (602) 506-6706 or 602-506-670

Fax: (602) 506-6179

E-Mail: kathleensommer@mail.maricopa.gov or jcrumbak@mail.maricopa.gov
- 5. An explanation of the ordinance, including the department's reasons for initiating the Ordinance:**

The Maricopa County Air Quality Department (MCAQD) is proposing a new ordinance that will restrict vehicle parking and use on unstabilized vacant lots and that will provide a penalty to the vehicle operator for violations. The penalty will consist of a class 3 misdemeanor violation and mandate for the vehicle operator to attend at least eight but not more than twenty-four hours of a community restitution course related to the off-highway operation of motor vehicles. MCAQD is proposing this new ordinance to comply with the statutory requirements listed in the recently enacted Senate Bill 1552. The proposed new ordinance also implements a control measure that will reduce PM₁₀ emissions for the Five Percent Plan for PM₁₀. Since the region did not attain the PM₁₀ standard by December 31, 2006, the region must submit to the Environmental Protection Agency (EPA) a Five Percent Plan for PM₁₀ by December 31, 2007. The Five Percent Plan for PM₁₀ must demonstrate 5% reductions per year in emissions from the date of submission to the EPA.

Section By Section Explanation Of The Proposed Ordinance:

SECTION 1 - GENERAL

- Section 1 - A Includes proposed purpose and restrictions which apply to all vehicle parking and use on unstabilized vacant lots.
- Section 1 - B Includes applicability of the proposed ordinance which applies to parking and use in the unincorporated sections of Area A that are within Maricopa County.

SECTION 2 - DEFINITIONS

- Section 2 - A Includes proposed ordinance definition of the legal land description of Area A in the federal township-range format so that it coincides with the description of Area A found in Arizona Revised Statutes (ARS) §49-541(1).
- Section 2 - B Includes proposed ordinance definition of a designated or opened trail system which is designated or opened by a government land management agency.
- Section 2 - C Includes proposed ordinance definition of a road or highway which is maintained by a municipality and open for public use for purposes of vehicular travel and, for purposes of this ordinance, the definition includes designated or opened trail systems and surface roads regardless of surface composition.
- Section 2 - D Includes proposed ordinance definition of vacant lots which coincides with vacant lot definition found in another Maricopa County rule - Rule 310.01 - which defines land that is undeveloped, without a structure, partially developed, or not a road or highway.
- Section 2 - E Includes proposed ordinance definition of a vehicle as a self propelled device excluding devices moved by human power or used on tracks.

SECTION 3 - REQUIREMENTS

- Section 3-A Includes proposed ordinance restrictions for vehicle parking and use on unstabilized vacant lots.

Section 4 - VIOLATIONS, NOTICES, AND PENALTIES

- Section 4 - A Includes proposed penalty of class 3 misdemeanor for violation of ordinance.
- Section 4 - B Includes proposed penalty for violation, in addition to or in lieu of a fine, an order to perform at least eight but not more than twenty-four hours of a community restitution course related to the off-highway operation of motor vehicles.
- Section 4 - C Includes, for violations of this ordinance, proposed use of a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the Supreme Court.

Section 5 - EXEMPTIONS

- Section 5 - A Includes proposed exemption for the property owner if the exemption does not violate any other applicable laws.
- Section 5 - B Includes proposed exemption for a site with a permit issued by the Control Officer for the control of fugitive dust from dust generating operations.

6. Demonstration of compliance with A.R.S. § 49-112:

Under ARS §49-479(C), a county may not adopt a rule or ordinance that is more stringent than the rules adopted by the Director of the Arizona Department of Environmental Quality (ADEQ) for similar sources unless it demonstrates compliance with the requirements of ARS §49-112.

ARS §49-112 (A)

When authorized by law, a county may adopt a rule, ordinance, or other regulation that is more stringent than or in addition to a provision of this title or rule adopted by the director or any board or commission authorized to adopt rules pursuant to this title if all the following conditions are met:

1. The rule, ordinance or other regulation is necessary to address a peculiar local condition;
2. There is credible evidence that the rule, ordinance or other regulation is either:
 - (a) Necessary to prevent a significant threat to public health or the environment that results from a peculiar local condition and is technically and economically feasible
 - (b) Required under a federal statute or regulation, or authorized pursuant to an intergovernmental agreement with the federal government to enforce federal statutes or regulations if the county rule, ordinance or other regulation is equivalent to federal statutes or regulations.

The proposed Maricopa County ordinance - P-27 - is required to be adopted by ARS §49-474.01(A)(7) recently enacted in Senate Bill 1552. Therefore, a demonstration of compliance with ARS §49-112 as required by the County's general grant of rulemaking and ordinance authority in ARS §49-479 does not apply to this action.

7. Reference to any study relevant to the ordinance that the agency reviewed and either proposes to rely on in its evaluation of or justification for the ordinance, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

Not applicable

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision:

Not applicable

9. Preliminary summary of the economic, small business, and consumer impact:

a. Background

The proposed Maricopa County Vehicle Parking And Use On Unstabilized Vacant Lots Ordinance provides for regulatory authority, planning, and resources and meets the mandatory curtailment elements as required by the passage of Senate Bill 1552 and in relation to commitments made in the Five Percent Plan for PM₁₀. Since the region did not attain the PM₁₀ standard by December 31, 2006, the region must submit to the Environmental Protection Agency (EPA) a Five Percent Plan

for PM₁₀ by December 31, 2007. The Five Percent Plan for PM₁₀ must demonstrate 5% reductions per year in emissions from the date of submission to the EPA. The plan must show reductions in PM₁₀ emissions of five percent per year until attainment is reached at all monitors. This proposed ordinance that restricts all vehicle parking and use on unstabilized vacant lots in the unincorporated sections of Area A that are within Maricopa County complies with the Maricopa County statutory rulemaking authority, Senate Bill 1552 directives, and in relation to commitments made in the Five Percent Plan for PM₁₀ prepared for EPA. As part of the statutory rulemaking authority, the MCAQD may add, delete, or modify additional rules and ordinances as necessary.

b. Community Affected

There are over 4,000 vacant lots in the Maricopa PM₁₀ nonattainment area. Under this proposed Ordinance, costs are limited to those needed to restrict the vehicle owner from trespassing on vacant lots that are unstabilized. From analysis published in the Salt River PM₁₀ State Implementation Plan (SIP) prepared by Arizona Department of Environmental Quality (ADEQ), it was assumed that the installation of a rock barrier would be the least expensive method of prohibiting vehicle parking and use on a vacant lot.

The following identify the potential physical health, welfare effects, and emissions impact of particulate matter reductions from the implementation of the proposed Ordinance. Compliance with this proposed Ordinance will also be enhanced with the increased trespass prevention actions by the lot owners as encouraged by MCAQD inspectors enforcing Rule 310.01.

c. Emissions Impact

Fugitive dust particulate emissions from vehicles traveling on unpaved parking areas were estimated by Maricopa Association of Governments (MAG) based on the acres of disturbed land devoted to unpaved parking areas. The specific methodology, calculations, and assumptions for each component of the emissions calculation for vehicular use and parking on vacant lots is described in the Maricopa County 2005 Periodic PM₁₀ Emission Inventory for the Maricopa County Non-attainment Area- Section 3.5.9. In this report, vehicle activity on unpaved parking areas was estimated by assuming that each day, an average of 100 vehicles drive on each acre of unpaved parking area. Other factors that were used to calculate the emission rates for unpaved parking areas were EPA's AP-42 emission rates and GIS applications to the 2004 MAG land use data of the total acres of vacant land in the Maricopa county portion of the PM₁₀ non-attainment area. The results for the PM₁₀ non-attainment areas and Maricopa County are summarized in tons per year and lbs per day.

According to the Maricopa County 2005 Periodic PM₁₀ Emission Inventory For The Maricopa County Nonattainment Area- Section 3.5.9, emissions from vehicles traveling in unpaved parking areas: PM₁₀ NAA=3009 tons/yr annual emissions

PM₁₀ NAA=16,490 lbs/day daily emissions

(1) Costs To Implement Ordinance

There are over 4,000 vacant lots in the Maricopa PM₁₀ nonattainment area. Under this proposed ordinance, costs are limited to those measures needed to restrict the vehicle owner from trespassing on vacant lots that are unstabilized. From analysis published in the Salt River PM₁₀ SIP prepared by ADEQ, it was assumed that the installation of a rock barrier would be the least expensive method of restricting a vacant lot from vehicle owner parking and use. The cost of installing a rock boulder barrier was estimated to be \$1,342 per year per lot, based on a survey conducted by ADEQ in support of the Salt River SIP. The rock barrier for each lot is assumed to completely eliminate trespass emissions on a vacant lot. It is assumed that the average vacant lot received two trespass trips each week. This infrequent rate compares favorably with the absence of trespass activity observed by MCAQD inspectors on vacant lots.

(2) Emission Reduction

There are two sources of PM₁₀ emissions from vacant lots:

1. Trespass trips from the vehicle;
2. Windblown emissions from the disturbed area on the lot.

Emissions from two weekly trips by light-duty vehicles are estimated to produce 11.6 pounds of PM₁₀ per year on a 3 acre lot. By eliminating trespass trips, the emission reduction achieved by this measure would be 11.6 pounds of PM₁₀ per year per average vacant lot. Windblown emissions are estimated to be 75.8 pounds per year for a lot where the disturbed area is limited to a single 20-foot wide track across the lot. By eliminating trespass trips, the emission reduction achieved by this ordinance would be 87.4 pounds of PM₁₀ per year per average vacant lot.

(3) Cost Effectiveness

The cost effectiveness of this measure was calculated to be \$15.35 per pound or \$30,706 per ton, of PM₁₀ reduced. If the 4,000 lots in Maricopa County saved 87.4 pounds per year of PM₁₀ and the cost effectiveness was \$15.35 per pound x 4000 lots that would be a cost effective savings of: 87.4 pounds per year x \$15.35 per pound x 4000 lots = \$5,366,360 per year cost effective savings.

Summary Of Emissions Reductions Efforts

This equates to almost 389,600 lbs PM₁₀ / year emissions reduction from the 6,018,000 lbs PM₁₀/ year emissions created from driving on vacant lots. This 6.5% PM₁₀ emission reduction equates to

over 5.3 million dollars per year cost effective savings. A good portion of the cost effective savings dollars observed is from health benefits which can be expressed as avoided cases of PM related-health effects and assigned a dollar value.

This ordinance is to provide a disincentive to the operators of vehicles so that property owners will not have to expend moneys to repair or prevent damage from vehicle activity.

These health effect benefit savings are described below.

These health effect benefit savings are described below.

d. Health Effects/Benefits

Health benefits accrue to the general public whenever enforcement of environmental laws takes place.

Adverse health effects from air pollution result in a number of economic and social consequences, including:

1. Medical Costs: These include personal out-of-pocket expenses of the affected individual (or family), plus costs paid by insurance or Medicare, for example.
2. Work loss: This includes lost personal income, plus lost productivity whether the individual is compensated for the time or not. For example, some individuals may perceive no income loss because they receive sick pay, but sick pay is a cost of business and reflects lost productivity.
3. Increased costs for chores and care giving: These include special care giving and services that are not reflected in medical costs. These costs may occur because some health effects reduce the affected individual's ability to undertake some or all normal chores, and she or he may require care giving.
4. Other social and economic costs: These include restrictions on or reduced enjoyment of leisure activities, discomfort or inconvenience, pain and suffering, anxiety about the future, and concern and inconvenience to family members.

The purpose of the National Ambient Air Quality Standards are to protect public health. Maricopa County's Vehicle Parking and Use On Unstabilized Vacant Lots Ordinance is designed to protect public health by reducing PM. Improvement in air quality will generate cost-saving benefits by avoiding adverse-health effects, such as emergency room visits, hospital admissions, acute pediatric bronchitis, chronic adult bronchitis, acute respiratory symptom days, and even premature death. Potential benefits arising from a reduction PM and other pollutants emitted into the atmosphere can be inferred from data associated with the reduction of any airborne PM.

Some of the health effects of human exposure to PM can be quantified while others cannot. Quantified adverse health effects include: mortality, bronchitis (chronic and acute), new asthma cases, hospital admissions (respiratory and cardiovascular), emergency room visits for asthma, lower and upper respiratory illness, shortness of breath, respiratory symptoms, minor restricted activity days, days of work loss, moderate or worse asthma status of asthmatics. Unquantifiable adverse-health effects include: neonatal mortality, changes in pulmonary function, chronic respiratory diseases (other than chronic bronchitis), morphological changes, altered host defense mechanisms, cancer, and non-asthma respiratory emergency room visits.

(U.S. EPA, "The Benefits and Costs of the Clean Air Act 1990 to 2010," Chapter 5, "Human Health Effects of Criteria Pollutants," Table 5-1, Report to Congress, November 1999)

(The EPA's Particulate Matter (PM) Health Effects Research Center Program, prepared by PM Centers Program staff, January 2002).

The Health Effects Institute confirmed the existence of a link between particulate matter and human disease and death (premature mortality). The data revealed that long-term average mortality rates, even after accounting for the effects of other health effects, were 17-26% higher in cities with higher levels of airborne PM (Health Effects of Particulate Air Pollution: What Does The Science Say? Hearing before the Committee on Science, House of Representatives, 107th Congress of the U.S., second session, May 8, 2002). Data further reveal that every 10-microgram increase in fine particulates per cubic meter produces a 6% increase in the risk of death by cardiopulmonary disease, and an 8% increase for lung cancer. Even very low concentrations of PM can increase the risk of early death, particularly in elderly populations with preexisting cardiopulmonary disease (STAPPA and ALAPCO, Controlling Particulate Matter Under the Clean Air Act: A Menu of Options, July 1996).

In 2002 alone, chronic obstructive pulmonary disease cost the U.S. more than \$32 million, a sum not including costs attributable to asthma (American Lung Assoc., Trends in Chronic Bronchitis and Emphysema: Morbidity and Mortality, Epidemiology and Statistics Unit, Research and Scientific Affairs, March 2003). In Arizona, deaths attributable to asthma have equaled or exceeded national rates from 1991-1998. In 1998, some 316,200 Arizonans suffered breathing discomfort or asthma related stress (Arizona Department of Health Services, Asthma Control Program, Office of Nutrition and Chronic Disease Prevention Services, October, 2002).

ADEQ expects that a reduction in PM potentially will create commensurate cost-saving benefits to the general public by contributing towards reducing these emissions-related health problems. Maricopa County's Residential Woodburning Restriction Ordinance will help improve the general

quality of life for citizens of Arizona, particularly those residing near sources that have reduced PM emissions.

Health benefits can be expressed as avoided cases of PM related-health effects and assigned a dollar value. EPA used an average estimate of value for each adverse-health effect of criteria air pollutants. Table 6 contains valuation estimates from the literature reported in dollars per case reduced. For example, the table shows a value of \$385,800 (2003 dollars) per case of chronic bronchitis avoided.

Table 6: Monetized Adverse-Health Effects Avoided From Exposure To PM

Adverse-Health Effect ¹	Per Case Valuation (1990 dollars)	Per Case Valuation (2003 dollars) ²
Mortality	\$4,800,000	\$7,122,600
Chronic bronchitis	\$260,000	\$385,800
Hospital admissions for respiratory conditions	\$6,900	\$10,240
Hospital admissions for cardiovascular conditions	\$9,500	\$14,100
Emergency room visits for asthma	\$194	\$288
Acute Bronchitis	\$45	\$67
Asthma attack	\$32	\$48
Moderate or worse asthma day	\$32	\$48
Adverse-Health Effect	Per Case Valuation (1990 dollars)	Per Case Valuation (2003 dollars)
Acute respiratory symptom	\$18	\$27
Upper respiratory symptom	\$19	\$28
Lower respiratory symptom	\$12	\$18
Shortness of breath, chest tightness, or wheeze	\$5	\$7
Work loss day	\$83	\$123
Mild restricted activity day	\$38	\$56

Source: Derived from U.S. EPA, “The Benefits and Costs of the Clean Air Act 1990 to 2010,” Chapter 6, “Economic Valuation of Human Health Effects,” Table 6-1, Report to Congress, November 1999.

¹An individual’s health status and age prior to exposure impacts his/her susceptibility. At risk persons include those who have suffered a stroke or have cardiovascular disease. Some age cohorts are more susceptible to air pollution than others, i.e., children and elderly.

²These values have been adjusted for inflation. According to the Consumer Price Index for all urban consumers (U.S. Department of Labor, Bureau of Labor Statistics), the purchasing power of the dollar has declined about 48 percent between 1990 and 2003.

According to the EPA, cost values of these illnesses tend to underestimate the true value of avoiding these adverse-health effects. Mean estimates of willingness-to-pay (WTP) were used to derive values, unless WTP values were not available, in which case, the cost of treating or mitigating the effects was used. The value of an avoided asthma attack, for example, would be a person’s WTP to avoid that symptom. Mortality in Table 6 actually refers to statistical deaths, or inferred deaths due to premature mortality. A small decline in the risk for premature death will have a certain monetary value for

individuals, and as such, they will be willing to pay a certain amount to avoid premature death. For instance, if PM emissions are reduced so that the mortality risk on the exposed population is decreased by one in one-hundred thousand, then among 100,000 persons, one less person will be expected to die prematurely. If the average willingness-to-pay (TP) per person for such a risk reduction were \$75.00, the implied value of the statistical premature death avoided would be 7.5 million.

e. Conclusion of Summary of Economic, Small Business, and Consumer Impact

The proposed ordinance could increase monitoring, record keeping or reporting burdens on the County. These additional inspection and judicial costs may be offset by the considerable reduction in burdens on community health care, as described above. This decreased burden of community health care helps offset increased agency costs and can also be expressed as avoided cases of PM related-health effects. The 6.5% PM₁₀ emission reduction resulting from a conservative estimate of the implementation of this proposed Ordinance equates to over 5.3 million dollars per year cost effective savings or more. This is a conservative estimate of this proposed ordinance implementation because it is only assumed in the emission reduction calculation that the average vacant lot (3 acres) receives two trespass trips each week whereas the emissions estimated from the 2005 Periodic PM₁₀ Emission Inventory for the Maricopa County Non-attainment Area assumes that each day, an average of 100 vehicles drive on each acre of unpaved parking area. This infrequent rate of trespass in the proposed ordinance implementation calculation is considerably less than the trespass rate assumed in calculating annual emissions.

10. Name and address of department personnel with whom persons may communicate regarding the accuracy of the economic, small business, and consumer impact statement:

Name: Kathleen Sommer or Jo Crumbaker
Address: 1001 North Central Avenue, Suite 595, Phoenix AZ 85004
Telephone: (602) 506-6706 or 602-506-6705
Fax: (602) 506-6179
E-Mail: kathleensommer@mail.maricopa.gov or jcrumbak@mail.maricopa.gov.

11. The time, place, and nature of the proceedings for the amendment, of the Ordinance:

Written comments will be accepted if received between the date of this publication and December 5, 2007, 5:00 p.m. Written comments may be mailed or hand delivered to the Maricopa County Air Quality Department (see #4 above). Written comments received during the comment period will be considered formal comments to the proposed ordinance and will be responded to in the Notice Of Final Rulemaking.

An oral proceeding will be held on December 4, 2007 at 10:30 am at the Maricopa County offices, 1001 N. Central Avenue, Phoenix, AZ 85004, Room #560. All comments made at this oral proceeding will be considered formal comments and will be recorded and transcribed. All formal comments will be addressed in the Notice Of Final Rulemaking.

A sign language interpreter, alternative format materials, or assistive listening devices will be made available upon request with 72 hours notice. Additional reasonable accommodations will be made available to the extent possible within the time frame of the request. Requests should be made to 602.372.1465 or TTY 602.506.2000.

12. Other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. The full text of the rule follows:

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS

P-27

VEHICLE PARKING AND USE ON UNSTABILIZED VACANT LOTS

SECTION 1 - GENERAL

- A. PURPOSE
- B. APPLICABILITY

SECTION 2 - DEFINITIONS

- A. AREA A
- B. DESIGNATED OR OPENED TRAIL SYSTEM
- C. ROAD OR HIGHWAY
- D. VACANT LOTS
- E. VEHICLE

SECTION 3 - REQUIREMENTS

- A. RESTRICTED VEHICLE PARKING AND USE

SECTION 4 - VIOLATIONS, NOTICES, AND PENALTIES

SECTION 5 - EXEMPTIONS

MARICOPA COUNTY AIR POLLUTION CONTROL REGULATIONS
P-27
VEHICLE PARKING AND USE ON UNSTABILIZED VACANT LOTS

SECTION 1 - GENERAL

- A. PURPOSE:** This Ordinance restricts all vehicle parking and use on unstabilized vacant lots.
- B. APPLICABILITY:** This Ordinance applies to vehicle parking and use in the unincorporated sections of Area A that are within Maricopa County.

SECTION 2 - DEFINITIONS: For the purpose of this Ordinance, the following definitions shall apply:

- A. AREA A -** The part of the greater Phoenix metropolitan area where specific pollution control programs are in place for ozone, carbon monoxide, and particulate matter. As defined in Arizona Revised Statutes (ARS) §49-541(1), the area in Maricopa County delineated as follows:
Township 8 North, Range 2 East and Range 3 East
Township 7 North, Range 2 West through Range 5 East
Township 6 North, Range 5 West through Range 6 East
Township 5 North, Range 5 West through Range 7 East
Township 4 North, Range 5 West through Range 8 East
Township 3 North, Range 5 West through Range 8 East
Township 2 North, Range 5 West through Range 8 East
Township 1 North, Range 5 West through Range 7 East
Township 1 South, Range 5 West through Range 7 East
Township 2 South, Range 5 West through Range 7 East
Township 3 South, Range 5 West through Range 1 East
Township 4 South, Range 5 West through Range 1 East
- B. DESIGNATED OR OPENED TRAIL SYSTEM -** Roads or routes that are part of a system of trails and that are designated or opened by a government land management agency by order, sign, and/or map approved by such agency.
- C. ROAD OR HIGHWAY -** The entire width between the boundary lines of every way publicly maintained by the federal government, a city, a town or a county if any part of the way is generally open to the use of the public for purposes of vehicular travel. For purposes of this ordinance, the term “road or highway” includes designated or opened trail systems and service roads regardless of surface composition.
- D. VACANT LOTS -** Any of the following described in Section 2(D)(1) through Section 2(D)(4) of this ordinance:
 - 1. An unsubdivided or undeveloped tract of land.
 - 2. A subdivided residential, industrial, institutional, governmental, or commercial lot that contains no approved or permitted buildings, structures, or uses of a temporary or permanent nature.
 - 3. A partially developed residential, industrial, institutional, governmental, or commercial lot.
 - 4. For the purposes of this ordinance, a vacant lot is not a road or highway.
- E. VEHICLE -** A self propelled device and its appurtenances, excluding devices moved by human power or used exclusively on stationary rails or tracks.

SECTION 3 - REQUIREMENTS

- A. RESTRICTED VEHICLE PARKING AND USE:** A person shall not park or use a vehicle on an unstabilized vacant lot within the unincorporated sections of Area A in Maricopa County.

SECTION 4 - VIOLATIONS, NOTICES, AND PENALTIES

- A.** A person who violates this Ordinance is guilty of a class 3 misdemeanor.
- B.** In addition to or in lieu of a fine pursuant to this section, a judge may order the person to perform at least eight but not more than twenty-four hours of a community restitution course related to the off-highway operation of motor vehicles.
- C.** For violations of this Ordinance, the Enforcement Officer shall use a uniform traffic ticket and complaint prescribed by the rules of procedure in civil traffic cases adopted by the Supreme Court. The Enforcement Officer may issue a citation to persons in violation of this Ordinance.

SECTION 5 - EXEMPTIONS

- A.** The property owner, person entitled to immediate possession of the property, or invitee who has lawful authority may operate such vehicles if such use does not violate any other applicable laws.
- B.** Any site that has been issued a permit by the Control Officer for the control of fugitive dust from dust generating operations.